

**§ 21200. CIWMB—Change of Ownership During Closure or Postclosure Maintenance.**

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(c)

(1) If the EA determines that the new owner or operator has complied with all requirements, the EA shall send written notification to the prior owner ~~or~~ and operator, new owner ~~or~~ and operator, RWQCB, and CIWMB within 30 days of receipt of the notification of transfer of title. Within 15 days thereafter, the EA shall send the owner ~~or~~ and operator a copy of a changed SWFP, if applicable.

(2) If the EA determines that the new owner or operator has not complied with all requirements, the EA shall send written notification of this determination to the prior owner ~~or~~ and operator, new owner ~~or~~ and operator, RWQCB, and CIWMB within 30 days of receipt of the notification of transfer of title. The EA shall include the basis for this determination of inadequacy.

**§ 21865. CIWMB—Amendment of Closure and Postclosure Maintenance Plans.**

(a) ~~Preliminary~~ Closure and postclosure maintenance plans shall be submitted every time a review or revision of the SWFP is conducted. *If there have been no changes requiring an amendment under the §c criteria, a statement certified by a registered civil engineer or certified engineering geologist that there have been no changes may be submitted in lieu of submitting plans.*

(1) For disposal sites without a solid waste facilities permit, the operator shall initially submit updated plans in accordance with the following schedule:

(A) If the approval of Certification of Closure pursuant to §21880 occurred on or after January 1, 1988 but prior to ~~December 31, 1996~~ January 1, 1997, the operator shall submit updated plans on or before [2 years after effective date of regulations];

...

(C) If the approval of Certification of Closure pursuant to §21880 occurred on or after January 1, 2001 or if the operator has initiated closure activities on or before February 25, 2003, but has not received approval of Certification of Closure pursuant to §21880, the operator shall submit updated plans on or before [4 years after effective date of regulations].

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**§ 22100. CIWMB—Scope and Applicability.**

(a) This subchapter applies to owners and operators of all disposal facilities that were or are required to be permitted as solid waste landfills and have been or will be operated ~~operating~~ on or after July 1, 1991.

...

*(c) For the purposes of this subchapter, the following definitions apply:*

*(1) "Corrective action" means an activity, including restoring the integrity or establishing the adequacy of a damaged or inadequate containment structure or environmental monitoring or control system, to: bring a landfill into compliance with the applicable requirements, prevent a reasonably foreseeable release, or remediate a known release to the environment. Corrective action does not include routine maintenance.*

*(2) "Causal event" means an occurrence that could result in a non-water release corrective action. Causal events include, but are not limited to, earthquakes, flooding, tsunamis, seiche, fire, precipitation, and degradation of or otherwise inadequate containment structure or environmental monitoring or control system.*

**§ 22101. CIWMB—~~Amount of Required Coverage and~~ Corrective Action Cost Estimate Requirements.**

**(a) ~~Water release corrective action cost estimate~~**

~~...~~  
The operator shall ~~prepare~~ *provide* a cost estimate for initiating and completing corrective action for all known or reasonably foreseeable releases from the solid waste landfill to water in accordance with the program required by the SWRCB pursuant to §20380(b).

**(b) ~~Non-water release corrective action estimate~~**

(1) Effective [one year after effective date of regulations], on or before the date of the first permit review or revision or plan review as determined by the schedule in §21865, the operator shall also ~~prepare~~ *provide* a cost estimate for the complete replacement of the final cover. *The operator shall calculate this cost in one of the following two ways:*

*(A) By providing a new estimate of the cost of complete replacement of the final cover, including, but not limited to, the cost of removing the existing cover and preparing for and installing the new cover, as necessary, depending on the replacement final cover system design; or,*

*(2B) In lieu of preparing a separate cost estimate pursuant to ¶(b)(1), the operator may submit By providing the most recently approved or submitted closure cost estimate, whichever is greater, adjusted, as necessary, to reflect closure of the entire solid waste landfill and current unit costs.*

~~(e2)~~ The operator, in lieu of ~~preparing~~ *providing* a separate corrective action cost estimate pursuant to ¶(b)(1)(A) or ~~(2B)~~, may ~~submit~~ *provide* a site-specific corrective action plan, as described in §22102.

~~(e)~~ A cost estimate prepared pursuant to ¶(a) ~~or~~ ¶(b) ~~or~~ ¶(e) must be a detailed written estimate, in current dollars, of the cost of hiring a third party to perform all *applicable* corrective action activities for the entire corrective action period.

~~...~~  
~~(hg)~~ (1) The operator shall ~~submit~~ *provide* a copy of the cost estimate prepared pursuant to ~~§¶(a) 22221(a)(1) to CIWMB-RWQCB for review and approval and shall submit~~ *provide* a copy of this estimate ~~each time the submission of the non-water quality corrective action financial assurances to CIWMB is required.~~

(2) The operator shall ~~submit~~ *provide* the estimate prepared pursuant to ¶(b) ~~or~~ ¶(e) to RWQCB, EA, and CIWMB for review and approval in accordance with the schedule in §21860.

**§ 22102. CIWMB—Corrective Action Plan Requirements.**

(a) A corrective action plan submitted to comply with §22101~~(eb)~~(2) must include an evaluation of ~~all the~~ known or reasonably foreseeable non-water release corrective actions *needed as a result of each known or reasonably foreseeable causal event including, but not limited to, partial final cover replacement, landfill gas migration, leachate seeps, slope failures, erosion, surface and subsurface fires, and waste disposal outside the permitted disposal area.*

(b) The corrective action plan must include cost estimates, prepared pursuant to §22101, for all known or reasonably foreseeable corrective actions described in the plan. The cost estimate with the highest amount must be used to determine the amount of financial assurance required pursuant to §22221(b)(2).

(c) The corrective action plan must ~~evaluate~~ *include an evaluation of* the long-term performance of the final cover system *to ensure that it will continue to meet the requirements of §21140 without the need for corrective action.*

(d) The operator shall submit the plan to RWQCB, EA, and CIWMB for review and approval in accordance with the schedule in §21860.

(e) (1) The corrective action plan shall be prepared and certified by a third party who meets all of the following conditions:

(A) Is a ~~4 licensed~~ registered civil engineer or certified engineering geologist ~~shall prepare the corrective action plan.~~

(B) Is not employed by the current entity responsible for the design of the solid waste landfill;

(C) ~~(2) The licensed civil engineer or certified engineering geologist may~~ Is not be the same person who current professional in responsible charge of work for the ~~designed~~ of the solid waste landfill; and

(D) ~~and~~ Is not employed by ~~may not be affiliated with~~ an entity or its subsidiary, parent, or other similarly related entity under common control that owns or ~~owned, operates, operated, constructed, or designed~~ the solid waste landfill.

(2) For the purposes of ¶¶(e)(1) (B) and (C), the current entity responsible for the design and the current professional in responsible charge of design work are the entity and registered civil engineer or certified engineering geologist responsible for the design pursuant to §21600(b)(4)(B) in the conditioning JTD/RDSI, including all subsequent RFI amendments as applicable and approved, listed in the most recently issued solid waste facility permit and pursuant to §21780 in the approved final closure plan.

**§ 22211. CIWMB–Amount of Required Coverage. ~~(F14:§18282)~~**

(a)

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(2)

...

(A) The operator ~~may only~~ request ~~for~~ a reduced multiplier ~~shall occur at once every~~ five (5) years ~~intervals~~, the first request occurring no earlier than the end of the ~~twentieth (20) fifth (5)~~ year of postclosure maintenance.

...

(C) During the five (5) year interval, the operator shall meet all of the following conditions:

1. The operator has not been subject to an enforcement order issued ~~for the closed solid waste landfill by~~ EA, CIWMB, or RWQCB ~~has not issued an enforcement order~~, including but not limited to, a Notice and Order, Cleanup and Abatement Order, Cease and Desist Order, Time Schedule Order, or similar controlling order within the current Waste Discharge Requirements of ~~the~~ RWQCB or ~~the~~ SWFP ~~against the operator of the closed solid waste landfill~~, and ~~the~~ CIWMB has not placed the closed solid waste landfill on the Inventory of Facilities Violating State Minimum Standards, ~~except if:~~

...

c. If the multiplier was previously approved for reduction pursuant to ¶a and ¶b, CIWMB may require the multiplier to be increased in increments of five (5), ~~limited to one (1) incremental increase within a five (5) year period~~, to a maximum multiplier of thirty (30), if at any time subsequent to the approved reduction the operator fails to continue to meet the conditions specified in ¶a and ¶b.

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2. The operator has ~~proposed and continuously~~ consistently performed a proactive monitoring program ~~for approval that has been described in the operator's postclosure maintenance plan that has been approved by~~ the EA, CIWMB, and RWQCB ~~that is a systematic evaluation of the characteristics and trends of leachate, landfill gas, groundwater and final cover to optimize postclosure maintenance~~. The ~~proactive monitoring~~ program shall ~~address include~~, but not be limited to, the following: leachate quality and quantity; landfill gas generation and migration;

groundwater quality; and final cover settlement, stability, integrity, and maintenance history including repair and replacement. *If the operator is already monitoring one or more of the items identified in this section due to other requirements, these may be included within the proactive monitoring program. The proactive monitoring program shall ensure that the operator is obtaining information in order to determine the characteristics and trends of leachate, landfill gas, groundwater and final cover both individually and as they interact with each other in the landfill. The operator shall analyze the data to determine if postclosure maintenance activities have been and will be effective in meeting the requirements of §§21090 and 21180. The monitoring data and evaluation shall be made available to EA, CIWMB, and RWQCB upon request.*

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4. The postclosure maintenance activities and costs are consistent with ~~and not greater than~~ the estimated postclosure maintenance activities and costs in the approved postclosure maintenance plan.

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(3) At each postclosure maintenance plan review conducted pursuant to §21865, if the multiplier was previously approved for reduction pursuant to ¶(a)(2), CIWMB shall require the multiplier to be increased in increments of five (5), *limited to one (1) incremental increase within a five (5) year period*, to a maximum of thirty (30), if, during the five (5) year interval since the previous plan review, either

...

(c) Upon transfer of ownership or operation of a closed solid waste disposal site,  
(1) The new operator shall provide a financial assurance demonstration using a multiplier of thirty (30), and  
(2) The new operator may submit a request to CIWMB for approval to reduce the multiplier to the current level of financial assurances provided by the ~~old~~ previous operator. CIWMB shall approve the request if CIWMB determines that all of the following criteria are met:  
(A) The new operator has ~~at least ten (10) years of experience adequately and appropriately operating and maintaining~~ operated and maintained solid waste disposal sites for at least ten (10) years, is not currently in violation of an enforcement order and has not exhibited a pattern and practice of violations of applicable standards;

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#### **22220. CIWMB–Scope and Applicability. (new)**

(a) This article requires operators of disposal facilities to demonstrate the availability of financial resources to conduct ~~known or reasonably foreseeable~~ corrective action activities as required under ~~Article 1, Subchapter 3, Chapter 3 (§§section 20380(b) et seq.) and §22100.~~

(b) The requirements of this article apply to operators of all disposal facilities that ~~were or~~ are required to be permitted as solid waste landfills and have been or will be operated on or after July 1, 1991.

#### **22221. CIWMB–Amount of Required Coverage. (T14:Section 17258.73)**

(a) Except as otherwise provided ~~Noted in ¶(b) and in §§section 22225 and~~ 22226, the operator of each disposal facility shall demonstrate financial responsibility to the CIWMB for initiating and completing known or reasonably foreseeable corrective action ~~for all known or reasonably foreseeable releases from the disposal facility as require under §Article 1, Subchapter 3, Chapter 3, (section 20380 et seq.)and §22100~~ in at least the amount of the ~~current~~ *greater of either the*

most recently approved or *most recently* submitted corrective action cost estimate, ~~whichever is greater,~~ prepared pursuant to §22101(a) ~~reviewed and approved by~~ ~~submitted to the appropriate RWQCB~~ *[Water Release Corrective Action Estimate]*. *Effective [one year after effective date of regulations], this ¶ does not apply to an operator that is required to comply with ¶(b).*

(b) Except as otherwise provided in §§22225 and 22226, effective [one year after effective date of regulations], on or before the date of the first permit review or revision or plan review as determined by the schedule in §21865, the operator of each disposal facility shall demonstrate financial responsibility to CIWMB for initiating and completing known or reasonably foreseeable corrective action in at least the amount of the greater of:

(1) The *greater of either the* most recently approved or *most recently* submitted corrective action cost estimate, ~~whichever is greater,~~ prepared pursuant to §22101(a), *[Water Release Corrective Action Estimate], or*

~~...~~  
(2) The *greater of the* most recently approved or *most recently* submitted corrective action cost estimate, ~~whichever is greater,~~ prepared pursuant to either §22101(b) ~~or (c)~~, *[Non-Water Release Corrective Action Estimate]*.

(c) Except as otherwise provided in §§22225 and 22226, in determining the required amount of financial assurances under ¶¶(a) and (b), if a disposal facility is subject to both known and reasonably foreseeable corrective actions, the operator must compare the amounts of the applicable known and reasonably foreseeable corrective action cost estimates and use the estimate with the greatest amount.

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